

**MEMO ENDORSED**  
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April 2, 2008

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/3/08

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T 66372-00001

VIA HAND DELIVERY

Honorable Lewis A. Kaplan  
Daniel Patrick Moynihan Courthouse  
500 Pearl Street - Room 1310  
New York, NY 10007

Re: *Atlantic Recording Corp., et al. v. XM Satellite Radio, Inc.*, 06 Civ. 3733,  
and *Nota Music Publishing, Inc., et al. v. XM Satellite Radio, Inc.*, 07 Civ.  
4682

Dear Judge Kaplan:

We represent the plaintiffs in the Famous Music action in the above-referenced consolidated proceeding and write, with the consent of XM, regarding the parties' attempt to resolve our Motion to Compel XM's Responses to Interrogatories Seeking the Identity of XM's Subscribers and to Bar XM for Tainting Any Survey. At the parties' March 19, 2008 status conference Your Honor denied our motion without prejudice and directed the parties to meet and confer and to attempt to resolve the issues raised in the motion within the following two weeks. We and counsel for XM have been working diligently to resolve these issues and have made substantial progress. Although we have not concluded our discussions (which have required the input and assistance of various experts), we believe it is likely that we will do so successfully and that the Famous Music plaintiffs will not need to renew their motion.

Accordingly, we respectfully request that this Court allow the parties additional time to conclude their discussions in an effort to amicably resolve this dispute.

Respectfully submitted,

Cynthia S. Arato

True Extended  
by one week  
SO ORDERED

LOS ANGELES NEW YORK WASHINGTON, D.C. SAN FRANCISCO PALO ALTO  
LONDON LEBEN, MONTE CARLO BRUSSELS ORANGE COUNTY CENTURY CITY DALLAS DENVER

LEWIS A. KAPLAN